

Message

From: McGill, Thomas [McGill.Thomas@epa.gov]
Sent: 12/15/2020 1:53:26 AM
To: Gettle, Jeaneanne [Gettle.Jeaneanne@epa.gov]; Ghosh, Mita [Ghosh.Mita@epa.gov]; Hicks, Matt [Hicks.Matthew@epa.gov]; Creswell, Michael [Creswell.Michael@epa.gov]
CC: Laycock, Kelly [Laycock.Kelly@epa.gov]; Calli, Rosemary [Calli.Rosemary@epa.gov]
Subject: reference to NHPA in public hearings and in our 9/22/20 webinar with tribes
Attachments: 10-21-2020 Public Hearing FL Assumption transcript.pdf; 404 overview and NHPA.pdf

Based on our public hearing transcripts, we did not specifically refer to a programmatic agreement, but we did refer to programmatic consultation. Here's an excerpt from the transcript from each hearing (see first page of the attachment), which essentially uses the same language as the FRN.:

"To set the stage for this hearing, I'd like to provide some background and context. On August 20th, the US Environmental Protection Agency received from the governor of the State of Florida a complete program submission for regulating discharges of dredged or fill material into waters within the jurisdiction of the state in accordance with the Clean Water Act. Pursuant to Clean Water Act, Section 404(h) and EPA's implementing regulations, EPA opened a 45-day comment period which ends on November 2nd, 2020. As part of this process, EPA has also scheduled two public hearings, the one today and another public hearing on October 27th. In addition to our review of the package submitted by Florida, EPA also initiated a programmatic consultation under Section 106 of the National Historic Preservation Act, or NHPA, and is soliciting comments pursuant to NHPA, implementing regulations during the 45-day comment period ending November 2nd, 2020."

Also, in the attached slide presentation provided to the tribes that were invited to the informational webinar on 9/22/20, we clearly referenced our intentions about a Programmatic Agreement (see pp. 19-22).

If you have any questions please let me know.

Tom